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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/770,481

Applicant(s)

ZENG ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9 and 12 is/are rejected.
- 7) ☒ Claim(s) 3-5,10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/4/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1,7 and 13 recites the limitation "said channel" in lines 35, 37 and 37, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,6-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,816,010 to CONN. Regarding claims 1 and 7, CONN discloses watertight decking including a first end panel/second end panel/and at least one intermediate panel (10) disposed between said first and second end panels (10), see figure 4, each of said panels being a rigid, load-bearing extrusion having generally flat, planar upper surface (26) and bottom surface (28) opposite said upper surface; said first end panel and said intermediate panel (10) each further including:

a first attachment edge (160); a tongue and groove assembly (14) having a tongue (38) extending along said first attachment edge; a channel first wall (36) depending from each said first attachment edge (160) , and having an upper edge and opposite said upper edge thereof; lower edge a channel floor (42) extending from said lower edge said channel first wall (36), and having a first wall edge and second wall edge opposite said first wall edge thereof; a channel second wall (46) extending from

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said second wall edge of said channel floor (42), spaced apart from and generally parallel to said channel first wall (36), and having a lower edge and an upper edge opposite said lower edge thereof with said upper edge spaced apart from said first attachment edge (160); an attachment flange (52) extending outwardly from said lower edge of said channel second wall (36), generally coplanar with said channel floor (42); said second end panel and said at least one intermediate (10) each further including:

second attachment edge (140); a tongue and groove assembly (16) including a groove (G, 50), see the marked attachment below, wherein the groove (G, 50) is disposed along said second attachment edge (140), engaging said tongue first end panel and said intermediate panel when assembled therewith; and a drip rail (20) depending from said second end panel (140) and said intermediate panel and spaced apart from said second attachment edge (140) thereof, extending into said channel (G, 50) said first end panel and said intermediate panels (10) and bearing against said channel second wall (46) and wedging said groove (24) of said second attachment edge (140) tightly against said tongue (38) of said first attachment edge (160), column 4, line 45-62, forming a tongue and groove assembly and preventing relative lateral movement between adjoining panels (10) when at least two of said first end panel, said second end panel, and said at least one intermediate panel (10) are assembled together. In reference to claims 2 and 9, the drip rail (20) includes an arcuately convex contact surface (along 24). Regarding claim 6, the watertight decking of CONN further includes a resilient moisture bead (68). In reference to claims 8 and

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12, the tongue and groove assembly (14) of the first edge (160) includes a tongue (38) and the tongue and groove assembly (16) of the second edge (140) includes a groove (24).

Allowable Subject Matter

Claims 3-5, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13-18 are allowed.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton
Examiner
Art Unit 3635
6/26/05